

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

| | | |
|---|---|-----------------------------|
| JOHN HALL, Individually and for Others |) | |
| Similarly Situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 3:18-cv-321 |
| |) | |
| DOMINION ENERGY, INC., |) | |
| STRATEGIC CONTRACT RESOURCES, |) | |
| LLC, and VIRGINIA ELECTRIC AND |) | |
| POWER COMPANY, |) | |
| |) | |
| Defendants. |) | |

UPDATED JOINT MOTION TO STAY THE CASE AND STATUS REPORT

The Parties jointly move the Court to stay the case indefinitely so their efforts may be focused on finalizing a potential collective action settlement, subject to ratification by Dominion Energy, Inc. (“Dominion”), the framework for which the Parties agreed to during mediation on **April 17, 2019**. The Parties request that the Court stay this matter in its entirety, including without limitation all deadlines, pleadings, responses, and hearings, except for proceedings related to Plaintiff’s Motion to Compel filed March 29, 2019 (ECF No. 70) and to the extent necessary to effectuate settlement.

Specifically, the parties reached agreement on a framework for an opt-in, claims-made reversionary settlement encompassing the 386 workers identified during mediation, who were reflected on available records as meeting the following definitions:

- a. Opt-In Plaintiffs: John Hall and Dennis Klapatch;**
- b. Prospective Hourly, Non-Exempt Opt-Ins: All hourly workers who were staffed to Dominion or its 217 subsidiaries, and paid straight time for overtime, from December 21, 2015 to the present;**
- c. Prospective Salaried Opt-Ins: All salaried workers who were staffed to Dominion or its 217 subsidiaries, and were paid**

straight time for overtime, from December 21, 2015, to the present. Specifically, this includes salaried workers who were paid the same effective hourly rate for hours worked under 40 hours in a week and hours worked over 40 hours. This does not include workers who were paid a salary and not paid any additional amount based on hours worked over 40.

Resolution of this matter, including monetary payments, requires the approval of various Dominion business units. Therefore, the framework for settlement between the parties will not become effective or binding until ratified and confirmed by Dominion, and a formal Settlement Agreement is executed by the parties. This ratification decision must be made and communicated no later than **June 16, 2019**. During the ratification period, the Parties further agree that the Tolling Period applicable to Plaintiff and all workers on their FLSA and state law wage and hour claims relating to their work with Defendants shall continue to be tolled during this period.

No later than **June 24, 2019**, the Parties will file a status update with the Court.

Within thirty (30) business days after the framework is ratified by Dominion, and a Settlement Agreement is executed between all parties, Plaintiff will file a Motion for Approval of Settlement Agreement, requesting that the Court approve the settlement reflected therein.

The Parties will endeavor to apply their best effort to execute a final Settlement Agreement by **July 16, 2019**.

Dated: April 22, 2019

Respectfully Submitted,

**DOMINION ENERGY, INC.;
VIRGINIA AND ELECTRIC POWER
COMPANY; and STRATEGIC
CONTRACT RESOURCES, LLC**

By /s/ Bret G. Daniel

Jimmy F. Robinson, Jr., Esquire
Virginia State Bar Number 43622
jimmy.robinson@ogletreedeakins.com
J. Clay Rollins, Esquire
Virginia State Bar Number 84382
clay.rollins@ogletreedeakins.com
Bret G. Daniel, Esquire
Virginia State Bar Number 92189
bret.daniel@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
901 East Byrd Street, Suite 1300
Riverfront Plaza, West Tower
Richmond, VA 23219
Tel.: (804) 663-2330
Fax: (855) 843-1809

Counsel for Defendants

**JOHN HALL, Individually and for Others Similarly
Situated**

By: /s/ Harris D. Butler

Harris D. Butler (VSB No. 26483)
Zev H. Antell (VSB No. 74634)
BUTLER ROYALS, PLC
140 Virginia Street, Suite 302
Richmond, Virginia 23219
804-648-4848 – Telephone
804-237-0413 – Facsimile
Email: harris.butler@butlerroyals.com
zev.antell@butlerroyals.com

Michael A. Josephson
Texas Bar No. 24014780
Andrew Dunlap
Texas Bar No. 24078444
Richard M. Schreiber
Texas Bar No. 24056278
JOSEPHSON DUNLAP, LLP

11 Greenway Plaza, Suite 3050
Houston, Texas 77046
713-352-1100 – Telephone
713-352-3300 – Facsimile
Email: mjosephson@mybackwages.com
adunlap@mybackwages.com
rschreiber@mybackwages.com
(admitted *pro hac vice*)

Richard J. (Rex) Burch
Texas Bar No. 24001807
BRUCKNER BURCH, PLLC
8 Greenway Plaza, Suite 1500
Houston, Texas 77046
713-877-8788 – Telephone
713-877-8065 – Facsimile
Email: rburch@brucknerburch.com
(admitted *pro hac vice*)

ATTORNEYS IN CHARGE FOR PLAINTIFFS

Certificate of Service

I hereby certify that on this 22nd day of April, 2019, I electronically filed the foregoing with the clerk of the court using the CM/ECF system which will send notification of such filing to counsel for Plaintiff:

Harris D. Butler
(VSB No. 26483)
harris.butler@butlerroyals.com
Zev H. Antell
(VSB No. 74634)
zev.antell@butlerroyals.com
BUTLER ROYALS, PLC
140 Virginia Street, Suite 302
Richmond, Virginia 23219
Tel.: (804) 648-4848
Fax: (804) 237-0413

Michael A. Josephson
(Tex. Bar No. 24014780)
mjosephson@mybackwages.com
Richard M. Schreiber
(Tex. Bar No. 24056278)
rschreiber@mybackwages.com
Andrew Dunlap
(Tex. Bar. No. 24078444)
adunlap@mybackwages.com
JOSEPHSON DUNLAP
11 Greenway Plaza, Suite 3050
Houston, Texas 77046
Tel.: (713) 352-1100
Fax: (713) 352-3300
[Admitted *Pro Hac Vice*]

Richard J. (Rex) Burch
(Tex. Bar No. 24001807)
rburch@brucknerburch.com
BRUCKNER BURCH, PLLC
8 Greenway Plaza, Suite 1500
Houston, Texas 77046
Tel.: (713) 877-8788
Fax: (713) 877-8065
[Admitted *Pro Hac Vice*]

Counsel for Plaintiff

DOMINION ENERGY, INC.;
VIRGINIA AND ELECTRIC POWER
COMPANY; and STRATEGIC
CONTRACT RESOURCES, LLC

By /s/ Bret G. Daniel
Jimmy F. Robinson, Jr., Esquire
Virginia State Bar Number 43622
jimmy.robinson@ogletreedeakins.com
J. Clay Rollins, Esquire
Virginia State Bar Number 84382
clay.rollins@ogletreedeakins.com
Bret G. Daniel, Esquire
Virginia State Bar Number 92189
bret.daniel@ogletreedeakins.com
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
901 East Byrd Street, Suite 1300
Riverfront Plaza, West Tower
Richmond, VA 23219
Tel.: (804) 663-2330
Fax: (855) 843-1809
Counsel for Defendant